

APPEAL NO. 021755
FILED AUGUST 22, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 17, 2002. The hearing officer determined that the deceased sustained a compensable heart attack on _____. The appellant (carrier) appeals the determination on sufficiency grounds. The respondent (claimant) urges affirmance.

DECISION

We affirm.

The hearing Officer did not err in determining that the deceased sustained a compensable heart attack on _____. Section 408.008 governs the compensability of heart attacks. At issue was whether the decedent's work rather than the natural progression of a preexisting heart condition or disease was a substantial contributing factor of the heart attack. Section 408.008(2). This was a question of fact for the hearing officer to resolve based upon a weighing of the medical evidence. Texas Workers' Compensation Commission Appeal No. 012723, decided February 4, 2002. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the carrier is **FREMONT INDUSTRIAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

CONCUR IN THE RESULT:

Thomas A. Knapp
Appeals Judge